



General Assembly

January Session, 2009

Committee Bill No. 6066

LCO No. 4190

04190HB06066TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

**AN ACT INCREASING THE FINE FOR USING A MOBILE TELEPHONE
WITHOUT A HANDS-FREE DEVICE WHILE OPERATING A MOTOR
VEHICLE.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 14-296aa of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) For purposes of this section, the following terms have the
4 following meanings:

5 (1) "Mobile telephone" means a cellular, analog, wireless or digital
6 telephone capable of sending or receiving telephone communications
7 without an access line for service.

8 (2) "Using" or "use" means holding a hand-held mobile telephone to,
9 or in the immediate proximity of, the user's ear.

10 (3) "Hand-held mobile telephone" means a mobile telephone with
11 which a user engages in a call using at least one hand.

12 (4) "Hands-free accessory" means an attachment, add-on, built-in

13 feature, or addition to a mobile telephone, whether or not permanently
14 installed in a motor vehicle, that, when used, allows the vehicle
15 operator to maintain both hands on the steering wheel.

16 (5) "Hands-free mobile telephone" means a hand-held mobile
17 telephone that has an internal feature or function, or that is equipped
18 with an attachment or addition, whether or not permanently part of
19 such hand-held mobile telephone, by which a user engages in a call
20 without the use of either hand, whether or not the use of either hand is
21 necessary to activate, deactivate or initiate a function of such
22 telephone.

23 (6) "Engage in a call" means talking into or listening on a hand-held
24 mobile telephone, but does not include holding a hand-held mobile
25 telephone to activate, deactivate or initiate a function of such
26 telephone.

27 (7) "Immediate proximity" means the distance that permits the
28 operator of a hand-held mobile telephone to hear telecommunications
29 transmitted over such hand-held mobile telephone, but does not
30 require physical contact with such operator's ear.

31 (8) "Mobile electronic device" means any hand-held or other
32 portable electronic equipment capable of providing data
33 communication between two or more persons, including a text
34 messaging device, a paging device, a personal digital assistant, a
35 laptop computer, equipment that is capable of playing a video game or
36 a digital video disk, or equipment on which digital photographs are
37 taken or transmitted, or any combination thereof, but does not include
38 any audio equipment or any equipment installed in a motor vehicle for
39 the purpose of providing navigation, emergency assistance to the
40 operator of such motor vehicle or video entertainment to the
41 passengers in the rear seats of such motor vehicle.

42 (b) (1) Except as otherwise provided in this subsection and
43 subsections (c) and (d) of this section, no person shall operate a motor

44 vehicle upon a highway, as defined in [subsection (a)] subdivision (40)
45 of section 14-1, while using a hand-held mobile telephone to engage in
46 a call or while using a mobile electronic device while such vehicle is in
47 motion. (2) An operator of a motor vehicle who holds a hand-held
48 mobile telephone to, or in the immediate proximity of, his or her ear
49 while such vehicle is in motion is presumed to be engaging in a call
50 within the meaning of this section. The presumption established by
51 this subdivision is rebuttable by evidence tending to show that the
52 operator was not engaged in a call. (3) The provisions of this
53 subsection shall not be construed as authorizing the seizure or
54 forfeiture of a hand-held mobile telephone or a mobile electronic
55 device, unless otherwise provided by law. (4) Subdivision (1) of this
56 subsection does not apply to: (A) The use of a hand-held mobile
57 telephone for the sole purpose of communicating with any of the
58 following regarding an emergency situation: An emergency response
59 operator; a hospital, physician's office or health clinic; an ambulance
60 company; a fire department; or a police department, or (B) any of the
61 following persons while in the performance of their official duties and
62 within the scope of their employment: A peace officer, as defined in
63 subdivision (9) of section 53a-3, a firefighter or an operator of an
64 ambulance or authorized emergency vehicle, as defined in subsection
65 (a) of section 14-1, or (C) the use of a hands-free mobile telephone.

66 (c) No person shall use a hand-held mobile telephone or other
67 electronic device, including those with hands-free accessories, or a
68 mobile electronic device while operating a moving school bus that is
69 carrying passengers, except that this subsection does not apply to (1) a
70 school bus driver who places an emergency call to school officials, or
71 (2) the use of a hand-held mobile telephone as provided in
72 subparagraph (A) of subdivision (4) of subsection (b) of this section.

73 (d) No person under eighteen years of age shall use any hand-held
74 mobile telephone, including one with a hands-free accessory, or a
75 mobile electronic device while operating a moving motor vehicle on a
76 public highway, except as provided in subparagraph (A) of

77 subdivision (4) of subsection (b) of this section.

78 (e) Except as provided in subsections (b) to (d), inclusive, of this
79 section, no person shall engage in any activity not related to the actual
80 operation of a motor vehicle in a manner that interferes with the safe
81 operation of such vehicle on any highway, as defined in subsection (a)
82 of section 14-1.

83 (f) Any law enforcement officer who issues a summons for a
84 violation of subsection (b), (c), (d) or (i) of this section shall record, on
85 any summons form issued in connection with the matter, the specific
86 nature of any distracted driving behavior observed by such officer that
87 contributed to the issuance of such summons.

88 (g) Any person who violates subsection (b) of this section shall be
89 fined not more than [one] two hundred dollars, except that the fine
90 shall be suspended for a first time violator who provides proof of
91 acquisition of a hands-free accessory subsequent to the violation but
92 prior to the imposition of a fine.

93 (h) Any person who violates subsection (c) or (d) of this section shall
94 be fined not more than one hundred dollars.

95 (i) An operator of a motor vehicle who commits a moving violation,
96 as defined in subsection (a) of section 14-111g, while engaged in any
97 activity prohibited under subsection (e) of this section shall be fined
98 one hundred dollars in addition to any penalty or fine imposed for the
99 moving violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	14-296aa

Statement of Purpose:

To promote public safety by increasing the fine for using a mobile telephone without a hands-free device while operating a motor vehicle.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. ROBLES, 6th Dist.; REP. COOK, 65th Dist.
REP. SANTIAGO, 130th Dist.

H.B. 6066